



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Ms. Beverly F. Rogers, Acting Secretary to the
Commission and Assistant Director, Zoning and
Special Projects, Planning Department

ABSENT:

Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Vanessa N. Kent, Secretary, Administrative
Branch, Planning Department
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department

Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Ms. Rogers apprised the Commission of the agenda for the next three (3) months, noting the March 15, 2005, agenda was comprised of twelve (12) cases; the April 19, 2005, agenda was comprised of sixteen (16) cases; and the May 17, 2005, agenda was comprised of twelve (12) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.

05SN0166: In Dale Magisterial District, **W. E. CROXTON** requested Conditional Use and Conditional Use Planned Development and amendment of zoning district map to permit office and contractors office uses in an Agricultural (A) District and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 0.9 acre and is known as 7001 and 7005 Iron Bridge Road. Tax IDs 772-677-8814 and 8822 (Sheet 17).

Mr. William E. Croxton, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0166, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

1. This Conditional Use shall be granted for a period of no more than ten (10) years from the date of approval and shall be limited to Bill Croxton and Company or Croxton, Inc. for their use only and shall not be transferable nor run with the land. (P)
2. Signage shall comply with the requirements of the Zoning Ordinance for office uses. (P)
3. There shall be no outside storage. (P)
4. There shall be no dumpsters. (P)
5. With the exception of normal maintenance and improvements necessary to meet the building code, there shall be no additions or exterior alterations to the structure to accommodate this use other than a garage containing a maximum of 600 square feet gross floor area. Such garage shall be architecturally compatible with the existing dwelling on the property, as required by Section 19-570 of the Ordinance for buildings within the same project. (P)
6. Parking spaces shall be provided at a ratio of one space for every 400 square feet of gross floor area of office use. (P)
7. Parking areas shall be setback a minimum of five (5) feet from the ultimate right of way of Tucker Road. (P)

PROFFERED CONDITIONS

1. There shall be no direct access from the property to Route 10. Direct access from the property to Tucker Road shall be limited to one (1) entrance/exit. The exact location of this entrance shall be determined by the Transportation Department. (T)
2. Prior to any site plan approval, 100 feet of right of way on the east side of Route 10 and thirty (30) feet of right of way on the south side of Tucker Road, measured from the centerlines of those roads immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0172: In Clover Hill Magisterial District, **STEPHEN THOMAS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate

for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 18.1 acres and is known as 10114 West Providence Road. Tax ID 749-693-1457 (Sheet 10).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including the Addendum.

Mr. Litton opened the discussion for public comment.

Ms. Joan Ellis, an adjacent property owner, expressed concerns relative to the potential impact the drainage from the development would have on her property and a nearby creek and asked the Commission to protect her property.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Gulley stated he had attended several meetings at which concerns were expressed relative to drainage problems and he was confident that, based on information provided at the meetings and the proffered conditions, the development would benefit two (2) adjacent property owners as well as alleviate downstream drainage problems.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0172 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and waste water systems shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Development shall be limited to twenty-five (25) lots. (P)
4. Manufactured homes shall not be permitted. (P)
5. The minimum lot size shall be 15,000 square feet. Provided further that the minimum lot size of any lot immediately adjacent to Eaglewood Subdivision Section I shall be 43,560 square feet. (P)

6. The minimum gross floor area for dwelling units shall be 2000 square feet. (P)
7. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)
8. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
9. Direct access from the property to Providence Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
10. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the north side of Providence Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
11. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - A. Construction of additional pavement along Providence Road at the approved access to provide a right turn lane, if warranted, based on Transportation Department standards.
 - B. Widening/improving the north side of Providence Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one-half (1 ½) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - C. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in proffer condition 11, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

12. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 11, shall be submitted to and approved by the Transportation Department. (T)
13. At a minimum the following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:

Architectural Board – The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on any lot. It shall prepare shall promulgate design and development guidelines and application and review procedures, all as part of the design and environmental standards. The standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to location of structures upon property, size of structures, driveway and parking requirements, foundations and length of structures. Copies shall be available from the Architectural Board for review. The guidelines and procedures shall be those of the Architectural Board shall have sole and full authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property within their operations strictly in accordance therewith. The Architectural Board shall consist of three (3) members, all appointed by the Declarant. At such times as fifty percent (50%) of all property within subject property has been developed, improved, and conveyed to purchasers in the normal course of development and sale Declarant shall have the right to appoint a maximum of two (2) additional members. At no time shall the Architectural Board have fewer than three members. The declarant may, at his option, delegate to the Board his right to appoint one or more members of the Architectural Board.

Mailboxes – Every improved lot shall be required to have a mailbox with supporting post and post light of design and installation as specified in the standards. Each lot owner shall be responsible for the maintenance and operation of the fixture, support, and mailbox.

Parking – Each property owner shall provide space for the parking of automobiles off public streets prior to the occupancy of any building or structure constructed on said property in accordance with the standards.

Signs – No signs shall be erected or maintained on any property by anyone including, but not limited to, the owner, a realtor, a contractor, or a subcontractor, except as provided for in the standards or except as may be required by legal proceedings. Residential property identification and like signs not exceeding a combined total of more than one (1) square foot may be erected without the written permission of the Declarant or the Association.

Condition of Ground – It shall be the responsibility of each property owner and tenant to prevent the development of any unclean, unsightly, or unkempt conditions of buildings or grounds on such property, which shall tend to substantially decrease the beauty of the neighborhood as a whole or the specific area.

Minimum Square Footage – No plan required under these Covenants will be approved unless the proposed house or structure has a minimum square footage of enclosed

dwelling space as specified in the standards. Such minimum requirement for each lot will be specified in each sales contract and stipulated in each deed. The term "enclosed dwelling area" as used in these minimum size requirements does not include garages, terraces, decks, open porches, and the like areas.

Residential Use –

- a. All lots shall be used for residential purposes exclusively. The use of a portion of a dwelling on a lot as an office by the owner or tenants thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein after provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) detached single family dwelling and one (1) accessory building which may include a detached private garage, provided the use of such accessory building does not overcrowd the site and provided further that such building is not used for any activity normally conducted as business. Such accessory building may not be constructed prior to the construction of the main building.
- b. A guest suite or like facility without a kitchen may be included as part of the main dwelling or accessory building, but such suite may not be rented or leased except as part of the entire premises including the main dwelling and provided, however, that such suite would not result in overcrowding of the site.
- c. The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.

Exterior Structure Completion – The exterior of all houses and other structures must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to the strikes, fires, national emergency, or natural calamities. Houses and other dwelling structures may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction the owner of the lot shall require the contractor to maintain the lot in a reasonable clean and uncluttered condition.

Vehicle Storage – No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on any lot at any time, either temporarily or permanently. Boats, boat trailers, campers, recreational vehicles, or utility trailers may be maintained on a lot, but only when in an enclosed or screened area approved by the Architectural Board such that they are not generally visible from adjacent properties.

Temporary Structures – No structure of a temporary character shall be placed upon any lot at any time provided, however, that this prohibition shall not apply to shelter or temporary structures used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not at any time be used

as residences or permitted to remain on the lot after completion of construction. The design and color of structures temporarily placed on the lot by a contractor shall be subject to reasonable aesthetic control by the Architectural Board.

Antennas – Except as otherwise provided by applicable law, no television antenna, radio receiver or sender, or other similar device shall be attached to or installed on the exterior portion of any building or structure or any lot, except as permitted by applicable law and except that should cable television services be unavailable and good television reception not be otherwise available, a lot owner may make written application to the Board for permission to install a television antenna and such permission shall not be unreasonably withheld.

Further Subdivision – No lot shall be subdivided or its boundary lines changed, nor shall applications for same be made to Chesterfield County, except with the written consent of the Declarant. However, the Declarant hereby expressly reserves to itself, its successors, or assigns the right to replat any lot or lots owned by it and shown on the plat of any subdivision in order to create a modified building lot or a replatted lot suitable and fit as a building site including, but not limited to, the recreational facilities, and other amenities to conform to the new boundaries of said replatted lots, provided that no lot originally shown on a recorded plat is reduced to a size smaller than the smallest lot shown on the first plat of subdivision. However the interpretation of the paragraph shall not prohibit the combining of two (2) or more contiguous lots into one (1) larger lot, only the exterior boundary lines of the resulting larger lot shall be considered in the interpretation of these covenants.

Animals – Only common household pet animals shall be permitted. All pet animals must be secured by a leash or lead, or be under the control of a responsible person and obedient to that person's command at any time they are permitted outside a residence or other enclosed area upon a lot approved by the Architectural Board for the maintenance and confinement of pet animals. No livestock including cattle, horses, sheep, goats, pigs, or poultry shall be permitted upon any lot. Motor Bikes All Terrain Vehicles – No motor bikes, motorcycles, or all terrain vehicles shall be driven upon the common area, lots, or roads (unless properly licensed on roads) with the exception of licensed vehicles and mopeds which shall be operated solely upon the public streets for direct ingress and egress purposes only.

External Lighting – No external lighting shall be installed or utilized on any property, which is of such character, intensity, or location as to interfere with the use, enjoyment, and privacy of any lot or owner in the near vicinity. No neon or flashing lights shall be permitted. All external lighting shall be approved by the Architectural Board as appropriate in size, location, color, and intensity.

Swimming Pools – No swimming pool, whether in ground or above ground, whether permanent or temporary, shall be installed upon any lot without the prior written consent of the Architectural Board. The Architectural Board shall require that all swimming pools be adequately screened.

Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.

Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.

These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property. (P)

14. A fifteen (15) foot tree preservation strip shall be maintained along the northern property line of Tax ID 749-693-1023. Utility easements shall be permitted to cross this strip in a perpendicular fashion. Any healthy trees that are six (6) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. This condition shall not preclude the removal of vegetation from the tree preservation strip that is unhealthy, dying or diseased. (P)
15. The existing gravel driveway that serves Tax ID 749-693-1023 shall be relocated a minimum of ninety (90) feet north of West Providence Road to provide access from Tax ID 749-639-1023 to the proposed public road serving the subject property. Plans depicting this relocation shall be approved by the Planning Department at time of tentative subdivision plan review. The relocated driveway shall be installed prior to the recordation of any subdivision plat. (P)
16. Drainage from the impervious surfaces of roofs and driveways on lots abutting Tax ID 749-693-1023 shall outfall into a swale provided for this purpose along the eastern property line of Tax ID 749-693-1023. (EE)
17. The developer shall be responsible for notifying by registered, certified or first class mail the owner of TAX ID 7486936232 of the submission of any tentative subdivision plans for the development. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent. (P)

18. In conjunction with land disturbance and with permission of the owner of TAX ID 749-693-1023, the existing driveway culvert and associated drainage ditches on TAX ID 749-693-1023 shall be analyzed and improved to Chesterfield County Standards. (EE)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SR0186: In Bermuda Magisterial District, **GARRETT MCGOWAN AND PATRICIA C. MCGOWAN** requested Conditional Use and amendment of zoning district map to permit a business (lawn care) operated incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in an Agricultural (A) District on 1.0 acre and is known as 13610 Golf Course Road. Tax ID 811-650-3454 (Sheet 27).

Mr. Garrett McGowan, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SR0186, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for Garrett McGowan or Patricia C. McGowan exclusively, and shall not be transferable or run with the land. (P)
2. This Conditional Use shall be limited to the operation of a lawn care and landscaping business only. With the exception of Garrett McGowan and Patricia C. McGowan, a maximum of three (3) employees shall be engaged in this operation. (P)
3. Other than one (1) sign not to exceed one (1) square foot in area, there shall be no signs permitted to identify this use. Such sign shall not be illuminated. (P)
4. All storage associated with this use shall be within the detached garage shown on the plan attached to the "Request Analysis" or to the west of the detached garage. There shall be no additional structures or additions to existing structures to accommodate this use. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0189: In Midlothian Magisterial District, **CONREAL, LLC** requested amendment to zoning (Cases 03SN0245 and 04SN0297) and amendment of zoning district map to permit drive-in or drive-through facilities associated with a bank or other financial institution. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial, medium and medium high density residential use of 1.51 to 7.0 units per acre. This request lies in a Community Business (C-3) District on 6.4 acres fronting approximately 470 feet on the east line of Walmart Way from a point measured approximately 800 feet off the north line of Midlothian Turnpike. Tax IDs 735-709-Part of 5944 and 8503; and 736-709-1439 and Part of 4223 (Sheet 6).

Mr. Bill Sowers, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0189 and acceptance of the following proffered condition:

PROFFERED CONDITION

1. Uses. No portion of the Property shall be used for any of the following:
 - (f) Any use with drive-in or drive-through facilities, except for a bank or other financial institution. (P)

(Staff Note: This condition amends Proffered Condition 1 of Cases 03SN0245 and 04SN0297. All other conditions of Cases 03SN0245 and 04SN0297 remain in effect.)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0204: In Clover Hill Magisterial District, **MT. GILEAD FULL GOSPEL INTERNATIONAL MINISTRIES** requested Conditional Use and amendment of zoning district map to permit a private school use in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and community mixed use. This request lies on 60.4 acres lying approximately 770 feet off the north line of Hicks Road and at the southern terminus of Vixen Lane. Tax IDs 759-694-3145 and 760-694-2183 (Sheet 11).

Assistant Pastor Kenneth Mitchell, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0204, subject to the following conditions:

CONDITIONS

1. Except where the requirements of the underlying A zoning are more restrictive, any new development for school use shall conform to the requirement of the Zoning Ordinance for office uses in Emerging Growth Areas and the Route 360 Corridor East Corridor focus area. (P)
2. The setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
 - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar

active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties to the west, from Tax IDs 760-694-8853 and 760-695-7244 and 8022 and from Foxberry and Surreywood Subdivisions. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522 (a)(2) of the Zoning Ordinance.

- b. If active play fields, courts, swimming pools or similar active recreational areas are setback more than 100 feet from the adjacent properties to the west from Tax IDs 760-694-8853 and 760-695-7244 and 8022 and from Foxberry and Surreywood Subdivisions, the landscaping or other design features described in 3.a. may be modified by the Planning Department at the time of site plan review. Such modifications shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 3.a.
- c. Playground areas which accommodate swings, jungle gyms or similar such facilities shall be setback a minimum of fifty (50) feet from all property lines. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0205: In Clover Hill Magisterial District, **NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC.** requested Conditional Use and amendment of zoning district map to permit a communications tower in a Corporate Office (O-2) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 8.0 acres and is known as 300 Arboretum Place. Tax ID 753-704-9059 (Sheets 6 and 7).

Mr. Greg Tulley, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0205, subject to the following conditions:

CONDITIONS

- 1. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such correction shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)
- 2. The color, design and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.

- b. The tower shall be designed and erected as a flagpole.
- c. The tower shall not be lighted. (P)
- 3. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0208: In Matoaca Magisterial District, **MELISSA BLACKMORE** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-9) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) unit per acre or less. This request lies on .3 acre and is known as 15918 Hampton Glen Court. Tax ID 713-666-9888 (Sheet 15).

Ms. Melissa Blackmore, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0208, subject to the following conditions:

CONDITIONS

- 1. This Conditional Use shall be granted to and for Melissa Blackmore, exclusively, and shall not be transferable or run with the land. (P)
- 2. There shall be no additions or alterations to the existing structure to accommodate this use. (P)
- 3. There shall be no signs permitted to identify this use. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0209: In Bermuda Magisterial District, **KELLY BROD** requested amendment to Conditional Use Planned Development (Case 84S149) and amendment of zoning district map to permit a model home. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 4.0 units per acre or less. This request lies in Residential (R-9, R-12 and R-15) Districts on 86.6 acres fronting approximately 250 feet on the north line of Ramblewood Drive, also fronting approximately 2,000 feet on the east line of Golf Course Road south of Old Bermuda Hundred Road and fronting approximately 2,200 feet on the southeast line of Old Bermuda Hundred Road approximately 800 feet south of East Hundred Road. Tax ID 812-651-7817 (Sheets 27 and 35).

Mr. Jeff Ambrose, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0209 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. A temporary model home (sales office) shall be permitted in a modular office unit provided such unit shall be utilized for a maximum of two (2) years from the date of approval of this request. When no longer used as a model home (sales office), the modular office unit shall be removed. (P)
2. The model home (sales office) shall only be used to market the development (Cypress Woods) in which it is located and shall not be used for the sale of lots or houses outside of the development in which it is located. (P)
3. The model home (sales office) shall not be the primary real estate office for the company marketing the development. (P)
4. The model home (sales office) shall be incidental to construction activity taking place within the development (Cypress Woods). (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0216: In Bermuda Magisterial District, **VA BAPTIST CHILDRENS' HOME AND FAMILY SERVICES** requested rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use: neighborhood office and single family residential use. This request lies on 0.6 acre and is known as 3309 W. Hundred Road. Tax ID 794-655-0966 (Sheet 26).

Mr. Steve Richardson, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0216 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Prior to any site plan approval, forty-five (45) feet of right of way on the south side of West Hundred Road (Route 10), measured from the centerline of that part of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

2. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded from Route 10 across the property to provide shared use of this access with an adjacent property. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0217: In Matoaca Magisterial District, **DAVID PERNO** requested a Conditional Use and amendment of zoning district map to permit a dwelling unit separated from the principal dwelling unit in a Residential (R-88) District. Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited for Residential (R-88) zoning. This request lies on 3.7 acres and is known as 12607 Chesdin Landing Drive. Tax ID 739-625-5882 (Sheet 39).

Mr. Mike Fultz, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0217 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Occupancy of the dwelling unit separated from the principal dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. (P)
2. Prior to release of a building permit, a deed restriction shall be recorded setting forth the limitation in Condition 1 above. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

05SN0223: In Dale Magisterial District, **CHESTERFIELD COUNTY HEALTH COMMISSION** requested rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit nursing home, child care center and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office uses. This request lies on 26.7 acres fronting approximately 150 feet on the west line of Government Center Parkway, also fronting approximately 1,200 feet on the east line of Courts Complex Road, also fronting approximately 1,300 feet on the south line of Courthouse Road and located in the southeast quadrant of the intersection

of these roads. Tax IDs 769-665-Part of 9903; 770-664-Part of 6398; 771-665-Part of 3354 and Part of 3701; and 773-665-Part of 2523 (Sheets 17 and 25).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use did not comply with the Central Area Plan; the proposed single family and two (2) family dwelling units were not in scale with the corporate office park image of the Courthouse Complex; and the request did not include a commitment for the streets within this development to be designed and constructed to State standards and taken into the State system.

Ms. Carol Crosby, member of the Chesterfield County Health Commission, the applicant's representative, did not accept staff's recommendation, noting new and revised proffered conditions, as outlined in the Addendum, had been submitted addressing staff's concerns.

Ms. Leigh Robbins, Acting Executive Director and Treasurer of the Chesterfield County Health Commission, highlighted the applicant's association with the County, noting the intent to maintain sole ownership of the residences in the expansion while continuing the retirement home operation.

Mr. Sam Saunders, the applicant's engineer, presented an overview of the proposed site plan for the Village expansion project.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0223 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 769-665-9903 (part), 771-665-3354 (part), 773-665-2523 (part), 770-664-6398 (part), and 771-665-3701 (part) (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-MF with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Zoning Plan. Parcels shall be located as generally depicted on the Zoning Plan, titled "Lucy Corr Village Expansion, Land Use Map," dated 1-04-04, but the location and size of the parcels may be modified provided the parcels generally maintain their relationship with each other and any adjacent properties. A plan for any such parcel adjustment shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with provisions of the Zoning Ordinance for Site Plan appeals. (P)
2. Master Plan. The textual statement dated February 9, 2005, shall be considered the Master Plan. (P)

3. Utilities. The public water and wastewater systems shall be used, except that public wastewater shall not be required for the model home for as long as it is used as a model or until such time that public wastewater with sufficient capacity is within 50 feet of the model home, whichever occurs first. (U)
4. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
5. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein. (B&M)
6. Cash Proffers. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay \$5,435.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2005. The \$5,435.00 for any units developed shall be allocated pro-rata among the facility costs as calculated annually by the County Budget Department as follows: \$230 for parks, \$402 for library facilities, \$423 for fire stations, and \$4,380 for roads. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$5,435.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County.
7. Open Space. At a minimum, the following Open Space areas shall be provided:
 - A. A minimum fifty (50) foot buffer shall be provided along the south line of Courthouse Road. Within a linear distance of approximately 200 feet and beginning approximately 250 feet from Courts Complex Road, grading shall be permitted fifteen (15) feet into the buffer. A stormwater management facility may be located within this buffer. Except as stated herein, this buffer shall comply with the requirements of the Ordinance for Sections 19-520 through 522. (P)
 - B. A minimum thirty (30) foot buffer shall be provided along Courts Complex Road. A stormwater management facility may be located within this buffer. Except as stated herein, this buffer shall comply with the requirements of the Ordinance for Sections 19-520 through 522. (P)

- C. A minimum 0.5 acre of open space shall be centrally located between the single family and two-family dwellings and the multifamily building ("Central Lawn") and also accessible to the nursing home. The Central Lawn shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. The exact location and design of the Central Lawn shall be approved by the Planning Department at the time of site plan review. (P)
 - D. A minimum 1.0 acre of open space shall be centrally located within the Property ("Central Open Space") to provide a focal point as one enters the development. The Central Open Space shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. Less formal pedestrian paths, sidewalks, boardwalks, or trails shall be provided within the Central Open Space to link to the Central Lawn. The exact location and design of the Central Lawn shall be approved by the Planning Department at the time of site plan review; provided, however, that hardscaping of such paths or trails shall not be required nor shall this require a sidewalk around the perimeter of this Central Open Space. Additional features such as picnic tables, grills, shelters, and/or gazebos shall be permitted in the Central Open Space. (P)
 - E. Sidewalks shall be provided on both sides of all rights-of-way along which dwellings front, except for the Central Open Space and the Central Lawn. Sidewalks shall be provided on both sides of the boulevard entrance from Courts Complex Road. The exact treatment and location of the sidewalks shall be approved at the time of site plan review. (P)
 - F. Street trees shall be planted or retained along each side of all rights-of-way along which dwellings front. The exact location, spacing, species, and size of the trees shall be approved by the Planning Department at the time of site plan review. Street trees shall be planted or retained in the median of the boulevard entrance from Courts Complex Road. (P)
 - G. Trails shall be provided along Courts Complex Road and Courthouse Road and throughout the project for a total distance of approximately 5,000 linear feet. The exact design and location of these trails shall be approved by Parks and Recreation at the time of site plan review. (P&R)
- 8. Density. There shall be no more than 150 dwelling units developed on the Property. (P)
 - 9. Building Materials. The facades of single family dwellings and two family dwellings shall be constructed of brick, brick veneer, wood, vinyl siding, cementitious-type siding, composite siding, glass, stone, or EIFS. (P)
 - 10. Garages. If provided, a minimum of fifty percent (50%) of the single family dwellings garages shall be side entry. If provided, a minimum of fifty percent (50%) of the two-family dwellings shall have garages that are setback at least five (5) feet from the front face of the building. (P)

11. Driveways. Private driveways serving single family and the two family dwellings shall be "hardscaped." The exact design and treatment of driveways shall be approved by the Planning Department at the time of site plan review. (P)
12. Access. No direct access shall be provided from the Property to Courthouse Road. (T)
13. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518. Landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement, and species of plantings. (T)
14. Road Standards. All roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Setbacks from these public roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the meeting adjourned at approximately 7:34 p. m. to March 15, 2005, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date